

FEB 06 2007

Application No.: 10/008,553

Docket No.: MWS-009RCE

**REMARKS**

Claims 5-7, 9, 10, 17, 19 and 22 were presented for examination. Upon entry of this paper, claims 5-7, 10, 17, 19 and 22 are cancelled without prejudice or disclaimer. Applicants reserve the right to pursue these claims in a continuation and are canceling them to expedite prosecution of the present application. Claim 10 is incorporated into independent claim 9. Claim 9 is further amended to address informalities. No new matter has been added. Applicants contend that amended claim 9 is patentable and in condition for allowance as discussed below.

**Rejections under 35.U.S.C. § 112, second paragraph**

In the pending Office Action, the Examiner indicated that claims 9-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, (Office Action, p. 6, §4).

The Examiner asserts that claim 9, "is incomplete because lines 16-17 do not state what happens when the distance is at least as large as said pre-defined parameter. Claim 10 would make claim 9 complete. Additionally only the line is displayed in claim 9, thus, this claim is incomplete because it only displays a line. The line being displayed with the merged diagram is needed because the merged diagram is essential to understanding the displayed extended line," (Office Action, p. 6, last ¶).

Applicants amend claim 9 to incorporate claim 10. Applicants respectfully submit that the amendments to claim 9 overcome the rejection of incompleteness. Applicants further amend claim 9 to recite "displaying said *line and said other electronic diagram* on the display surface."

Applicants kindly request the Examiner reconsider and withdraw the rejection of claim 9 under U.S.C §112.

**Rejections under 35.U.S.C. § 101**

In the pending Office Action, the Examiner indicated that claims 9-10 are rejected under 35 U.S.C. § 101 on the basis that the claimed invention is directed to non-statutory subject matter, (Office Action, p. 8, § 6). The Examiner further indicated that, "clearly amending the

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claims to displaying the merged diagram would provide a useful and tangible result of the mathematics used in merging the two diagrams," (Office Action, p. 8 last ¶ - p. 9 first line).

Applicants amend claim 9 to recite "displaying said *line and said other electronic diagram* on the display surface."

Applicants kindly request the Examiner reconsider and withdraw the rejection of claim 9 under U.S.C §101.

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**CONCLUSION**

In view of the above comments, Applicants believe the pending application is in condition for allowance and urge the Examiner to pass the claims to allowance. Should the Examiner feel that a teleconference would expedite the prosecution of this application, the Examiner is urged to contact the Applicants attorney at (617) 227-7400.

Please charge any shortage or credit any overpayment of fees to our Deposit Account No. 12-0080, under Order No. MWS-009RCE. In the event that a petition for an extension of time is required to be submitted herewith, and the requisite petition does not accompany this response, the undersigned hereby petitions under 37 C.F.R. §1.136(a) for an extension of time for as many months as are required to render this submission timely. Any fee due is authorized to be charged to the aforementioned Deposit Account.

In view of the above remarks, Applicants believe the pending application is in condition for allowance.

Dated: **February 6, 2007**

Respectfully submitted,

By 

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